

§216.93

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(4) The documentation provided in paragraph(b)(3) of this section includes a listing of vessel names and identifying numbers of the associated Tuna Tracking Forms for each trip of which tuna in the shipment originates; and

(5) The FCO is properly endorsed by each exporter, importer, and processor certifying that, to the best of his or her knowledge and belief, the FCO and attached documentation are complete and accurate.

[65 FR 57, Jan. 3, 2000]

§216.93 Submission of documentation.

(a) Requirements for the submission of documents concerning the activities of U.S. flag vessels with greater than 400 st carrying capacity fishing in the ETP are contained in §216.94.

(b) The import documents required by §§216.91 and 216.92 must accompany the tuna product whenever it is offered for sale or export, except that these documents need not accompany the product when offered for sale if:

(1) The documents do not require further endorsement by any importer or processor and are submitted to officials of the U.S. Customs Service at the time of import; or

(2) The documents are endorsed as required by §216.92(b)(4) and the final processor delivers the endorsed documents to the Administrator, Southwest Region, or to U.S. Customs as required.

[65 FR 57, Jan. 3, 2000]

§216.94 Tracking and verification program.

The Administrator, Southwest Region, has established a national tracking and verification program to accurately document the “dolphin-safe” condition of tuna, under the standards set forth in §216.91(a). The tracking program includes procedures and reports for use when importing tuna into the U.S. and during U.S. purse seine fishing, processing, and marketing in the U.S. and abroad. Verification of tracking system operations is attained through the establishment of audit and document review requirements. The tracking program is consistent with the international tuna tracking and verification program adopted by the Parties to the IDCP.

(a) *Tuna tracking forms.* Whenever a U.S. flag tuna purse seine vessel of greater than 400 st (362.8 mt) carrying capacity fishes in the ETP, IDCP approved Tuna Tracking Forms (TTFs), bearing the IATTC cruise number assigned to that trip, are used by the observer to record every set made during that trip. One TTF is used to record “dolphin-safe” sets and a second TTF is used to record “non-dolphin-safe” sets. The information entered on the TTFs following each set includes date of trip, set number, date of loading, name of the vessel, vessel Captain’s name, observer’s name, well number, weights by species composition, estimated tons loaded, and date of the set. The observer and the vessel engineer initial the entry for each set, and the vessel Captain and observer review and sign both TTFs at the end of the fishing trip certifying that the information on the form is accurate. The captain’s and observer’s certification of the TTF on which dolphin-safe sets are recorded complies with 16 U.S.C. 1385(h).

(b) *Tracking fishing operations.* (1) During ETP fishing trips by purse seine vessels, tuna caught in sets designated as “dolphin-safe” by the vessel observer must be stored separately from tuna caught in “non-dolphin-safe” sets from the time of capture through unloading, except as provided in paragraph (b)(2) of this section. Vessel personnel will decide into which wells tuna will be loaded. The observer will initially designate whether each set is “dolphin-safe” or not, based on his/her observation of the set. The observer will initially identify a vessel fish well as “dolphin-safe” if the first tuna loaded into the well during a trip was captured in a set in which no dolphin died or was seriously injured. The observer will initially identify a vessel fish well as “non-dolphin-safe” if the first tuna loaded into the well during a trip was captured in a set in which a dolphin died or was seriously injured. Any tuna loaded into a well previously designated “non-dolphin-safe” or “mixed well” is considered “non-dolphin-safe” tuna. Except as provided for in paragraph (b)(2)(i) of this section, the observer will change the designation of a “dolphin-safe” well to “non-dolphin-safe” if any tuna are loaded into the